

STATEMENT OF BASIS

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0122106
to discharge to waters of the State of Louisiana.
AI No.: 124432 / Activity No.: PER20060001

THE APPLICANT IS: Lee Tractor, Inc.
Lee Tractor
10203 Airline Highway
St. Rose, Louisiana 70087

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

PREPARED BY: Hal Bailey, Jr.

DATE PREPARED: 03/08/06

1. PERMIT STATUS

- A. NPDES permit - NPDES permit effective date: NA
NPDES permit expiration date: NA
EPA has not retained enforcement authority.
- B. LWDPS permit – NA
LWDPS permit effective date: NA
LWDPS permit expiration date: NA
- C. Date Application Received: January 19, 2006

2. FACILITY INFORMATION

- A. FACILITY TYPE/ACTIVITY – heavy equipment rental and maintenance facility

Lee Tractor provides the service of renting and maintaining heavy construction equipment. Heavy equipment is stored outdoors exposed to storm water that leaves the property at two distinct outfalls. A compliance inspection performed on October 5, 2005 determined that the facility was discharging sanitary wastewater and process wastewater without a permit and was improperly disposing of used oil into a dirt pit behind the main building. In accordance with LAC:IX.2511.A.9.a.iv., the Agency has determined that the regulation of storm water discharges from the facility is appropriate.

B. FEE RATE

1. Fee Rating Facility Type: minor
2. Complexity Type: I
3. Wastewater Type: III
4. SIC code: 5082

C. LOCATION - 10203 Airline Highway, St. Rose,
St. Charles Parish
Latitude + 29° 58' 38", Longitude - 90° 17' 08"

3. OUTFALL INFORMATION

Outfall 001

Discharge Type: storm water discharge from heavy equipment storage areas

Treatment: none

Location: at the point of discharge from the east side of the property prior to mixing with other waters

Flow: 13,216 GPD estimated

Discharge Route: local drainage to Walker Canal

Outfall 002

Discharge Type: storm water discharge from heavy equipment storage areas

Treatment: none

Location: at the point of discharge from the west side of the property prior to mixing with other waters

Flow: 7,342 GPD estimated

Discharge Route: local drainage to Walker Canal

NOTE: This facility's SIC code (5082) is not listed in the regulations (LAC33:IX.2511.B.14.a-k) as stormwater associated with industrial activity. However, outfall limitations as well as narrative requirements have been established in the permit for the facility to update and maintain a Stormwater Pollution Prevention Plan (SWP3). This was included due to the facility's compliance problems noted in an inspection report dated October 5, 2005 (LAC33:IX.2511.A.9.a.iv).

4. RECEIVING WATERS

STREAM – Outfall 001 & 002 – by open ditch thence into parish drainage ditch, thence into Walker Canal

BASIN AND SEGMENT – Lake Pontchartrain Basin – Subsegment 041203

DESIGNATED USES -

- a. primary contact recreation
- b. secondary contact recreation
- c. propagation of fish and wildlife

5. EXISTING EFFLUENT LIMITS

NA; facility has never been permitted

6. PROPOSED EFFLUENT LIMITS

BASIS – See rationale below.

7. COMPLIANCE HISTORY/COMMENTS

A. Compliance History

The facility has never been permitted but a compliance evaluation inspection was performed on **October 5, 2005** as a result of a citizen complaint. Lee Tractor was found to be discharging sanitary wastewater and process wastewater without a permit and the facility was improperly disposing of used oil and other solid waste materials in a dirt pit behind the main building. A warning letter from the LDEQ Enforcement Division dated **October 21, 2005** was issued to the facility notifying them of the findings.

A subsequent visit on **November 23, 2005** revealed that the facility had taken steps to resolve the issues present at the time of the earlier inspection. Lee Tractor has developed a Storm Water Pollution Prevention Plan as well as a Waste Management Plan, and has hired Safety Management Systems (SMS) to handle permitting issues and to help with overall waste management.

B. DMR Review/Excursions

NA; facility has never been permitted

8. ENDANGERED SPECIES

The receiving waterbodies and proposed discharge are not listed in Section II.2 of the Implementation Strategy as required consultation with the U.S. Fish and Wildlife (FWS). This strategy was submitted with a letter dated October 21, 2005 from Watson (FWS) to Gautreaux (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. It was determined that the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat.

9. 303 (d) LISTED WATERBODIES

Subsegment 041203, Duncan Canal (Parish Line Canal) - From source at Kenner Corporation Line to Lake Pontchartrain (Estuarine), is listed on LDEQ's Final 2004 303(d) List as impaired for copper. To date no TMDLs have been completed for this waterbody. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by a TMDL.

Until completion of TMDLs for the Lake Pontchartrain Basin, those suspected causes for impairment which are not directly attributed to the heavy equipment rental and maintenance facility point source category have been eliminated in the formulation of effluent limitations and other requirements of this permit. Additionally, suspected causes of impairment which could be attributed to pollutants which were not determined to be discharged at a level which would cause, have the reasonable potential to cause or contribute to an excursion above any present state water quality standard were also eliminated.

10. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

11. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application.

12. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation
Office of Environmental Services Public Notice Mailing List

Rationale for Lee Tractor

1. **Outfall 001** – storm water discharge from heavy equipment storage areas

<u>Pollutant</u>	<u>Limitation</u> Mo. Avg.: Daily Max (mg/l)	<u>Reference</u>
Flow (GPD)	---:Report	LAC 33:IX.2361.I.1.b
TOC	---:50 mg/l	Similar discharges* (BPJ)
Oil & Grease	---:15 mg/l	Similar discharges* (BPJ)
pH	6.0 - 9.0 su	Similar discharges* (BPJ)

Treatment: None

***Monitoring Frequency:** once every six months for all parameters at the point of discharge from the east side of the property.

***Limits Justification:** Limits and monitoring frequencies are based on current guidance for similar facilities.

2. **Outfall 002** – storm water discharge from heavy equipment storage areas

<u>Pollutant</u>	<u>Limitation</u> Mo. Avg.: Daily Max (mg/l)	<u>Reference</u>
Flow (GPD)	---:Report	LAC 33:IX.2361.I.1.b
TOC	---:50 mg/l	Similar discharges* (BPJ)
Oil & Grease	---:15 mg/l	Similar discharges* (BPJ)
pH	6.0 - 9.0 su	Similar discharges* (BPJ)

Treatment: None.

***Monitoring Frequency:** once every six months for all parameters at the point of discharge from the west side of the property.

***Limits Justification:** Limits and monitoring frequencies are based on current guidance for similar facilities.

* Based on current guidance for new permits discharging into a waterbody listed on the Court Ordered 303(d) list.

BPJ Best Professional Judgment
GPD Gallons per Day
su Standard Units

NOTE

For outfalls containing concentration limits, the usage of concentration limits is based on BPJ for similar outfalls since the flow is variable and estimated.

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Storm Water Pollution Prevention Plan (SWP3) Requirement

The SWP3 shall be updated and maintained within sixty days from the effective date of the final permit. The plan should identify potential sources of storm water pollution and ensure the implementation of practices to prevent and reduce pollutants in storm water discharges associated with industrial activity at the facility (see narrative requirements of the Draft Permit).